



11.09.05

AF/2611
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NO. EV 619615095 USPATENTS
UV-152NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of : Michael D. Ellis et al.

Application No. : 09/604,470 Confirmation No. : 5098

Filed : June 26, 2000

For : INTERACTIVE TELEVISION PROGRAM
GUIDE SYSTEM AND METHOD WITH NICHE
HUBS

Group Art Unit : 2611

Examiner : Dominic D. Saltarelli

Mail Stop AF
Commissioner for Patents New York, New York 10020
P.O. Box 1450 November 7, 2005
Alexandria, Virginia 22313-1450

NOTICE OF APPEAL

Sir:

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed June 6, 2005 in which the rejection of claims 1-159 was made final.

[] Applicants respectfully request an oral hearing before the Board of Appeals. The appropriate fee is submitted herewith.

[X] An additional one-month extension of time to respond to the final rejection is requested and the appropriate extension fee is submitted herewith*.

11/09/2005 NNGUYEN1 00000034 061075 09604470

01 FC:1401
02 FC:1252500.00 DA
330.00 DA

* This notice is being filed five months from the mailing date of the Final Office Action. Because a one-month extension of time was previously granted in connection with the October 6, 2005 Reply to Final Office Action, applicants are requesting an additional one-month extension of time to file this Notice.

[X] Address all correspondence to:

Evelyn C. Mak
Fish & Neave IP Group
Ropes & Gray LLP
1251 Avenue of the Americas
New York, New York 10020
Tel.: (212) 596-9000

[X] The Director is hereby authorized to charge payment of [X] \$500.00 [] \$1000.00 in payment of the [X] Notice of Appeal fee, [] Filing a brief in support of an appeal fee, [] Request for oral hearing fee, to Deposit Account No. 06-1075, Order No. (003597-0152). A duplicate copy of this Notice of Appeal form is enclosed.

[X] The Director is hereby authorized to charge payment of any additional appeal fee, oral hearing fee, or both, or credit any overpayment of same, to Deposit Account No. 06-1075, Order No. (003597-0152). A duplicate copy of this Notice of Appeal form is enclosed.

EXTENSION FEE

[X] The following extension fee is applicable to the Notice of Appeal filed herewith; [] \$120.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a)(1); [X] \$330.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a)(2)*; [] \$1,020.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a)(3); [] \$1,590.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a)(4); [] \$2,160.00 extension fee for response within fifth month pursuant to 37 C.F.R. § 1.136(a)(5).

* Applicants paid \$120.00 for a one-month extension of time with the October 6, 2005 Reply to Final Office Action. Therefore, the balance remaining of the \$450.00 extension fee for the two-month extension of time is \$330.00.

- [X] The Director is hereby authorized to charge payment of ☐ \$120.00; ☒ \$330.00; ☐ \$1,020.00; ☐ \$1,590.00; ☐ \$2,160.00; in payment of the extension fee to Deposit Account No. 06-1075, Order No. (003597-0152). A duplicate copy of this Notice of Appeal form is enclosed.
- [X] The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075, Order No. (003597-0152). A duplicate copy of this Notice of Appeal is enclosed.

Respectfully submitted,

Evelyn C. Mak

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PATENTS
UV-152

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Michael D. Ellis et al.
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Group Art Unit : 2611
Examiner : Dominic D. Saltarelli
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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

EXPRESS MAIL CERTIFICATION

Express Mail Label No. EV 619615095 US
Date of Deposit: November 7, 2005

I hereby certify that this certification and the following papers:

1. Notice of Appeal (in duplicate); and
2. Return Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Kristina Levites